

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

NATHANIEL LEE ADKINS,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00038

CAMRYN T. DANIELS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is the Motion to Dismiss filed by Defendants Boone County Commission, Boone County Sheriff's Department, and Camryn T. Daniels ("Moving Defendants"). [ECF No. 14]. For the reasons stated below, the Motion is **DENIED as moot.**

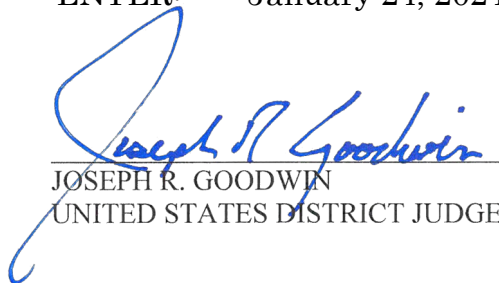
On May 12, 2023, Moving Defendants moved to dismiss Plaintiff's original Complaint. [ECF No. 1]. On June 23, 2023, Plaintiff timely filed his Amended Complaint, [ECF No. 21], pursuant to the Scheduling Order entered on May 31, 2023, [ECF No. 20].

"As a general rule, 'an amended pleading supersedes the original pleading, rendering the original pleading of no effect.'" *White v. Turner*, 671 F. App'x 162, 163 (4th Cir. 2016) (unpublished) (quoting *Young v. City of Mt. Ranier*, 238 F.3d 567, 572 (4th Cir. 2001)). When a plaintiff amends a complaint while a motion to dismiss is

pending, a court may deny the motion as moot. *See Turner v. Kight*, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying the motion to dismiss the original complaint as moot because the original complaint was superseded by the amended complaint); *see also Sennott v. Adams*, No. 6:13-cv-02813-GRA, 2014 WL 2434745, at *3 (D.S.C. May 29, 2014) (“[A] defendant’s previous motion to dismiss is rendered moot when a plaintiff files an amended complaint.”); *Skibbe v. Accredited Home Lenders, Inc.*, No. 2:08-cv-01393, 2014 WL 2117088, at *3 (S.D. W. Va. May 21, 2014) (denying as moot defendants’ renewed motion to dismiss where “[t]he Third Amended Complaint superseded the Amended Complaint and the Second Amended Complaint”). Here, Plaintiff’s Amended Complaint superseded his original Complaint. Accordingly, Moving Defendants’ Motion to Dismiss, [ECF No. 14], is **DENIED as moot**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 24, 2024



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE